

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

17-CR-43-V

ELI CLARK,

DECISION AND ORDER

Defendant.

1. On June 14, 2018, the defendant, Eli Clark, pleaded guilty to Count 2 of the indictment charging a violation of Title 21, United States Code, Section 841(a)(1) (possession with intent to distribute 28 grams or more of cocaine base). Docket Item 13.

2. On June 14, 2018, the Honorable Jonathan W. Feldman, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 87.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Sections 636(b)(1) and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge Feldman's Report & Recommendation (docket item 87), the plea agreement (docket item 86), the indictment (docket item 13), a transcript of the digital FTR recording of the plea proceeding (docket item 95), and the applicable law. This Court finds no legal or factual error in Judge Feldman's Report & Recommendation and therefore adopts Judge

Feldman's recommendation that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty of Count 2 of the indictment.

IT IS HEREBY ORDERED that this Court adopts Judge Feldman's June 14, 2018 Report & Recommendation, Docket Item 87, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Eli Clark, is now adjudged guilty under Title 21, United States Code, Section 841(a)(1).

SO ORDERED.

Dated: August 28, 2018
Buffalo, New York

s/Lawrence J. Vilaro
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE